

Docket No.: 295123US96PCT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: GROUP: 1654

Robin L POLT, et al.

SERIAL NO: 10/594,515 EXAMINER:

FILED: September 28, 2006

FOR: AMPHIPATHIC GLYCOPEPTIDES

DECLARATION UNDER 37 C.F.R. § 1.132

COMMISSIONER FOR PATENTS
ALEXANDRIA, VA 22313-1450

SIR:

Now comes Robin L. Polt and Edward Bilsky who depose and state that:

1. I have read and am familiar with the application identified above, U.S. application serial No. 10/594,515 (hereinafter referred to as "the '515 application").
2. I have read and am familiar with the subject matter described by Claims 38-69 of the '515 application attached hereto. It is my understanding that those claims will be submitted to the U.S. Patent and Trademark Office along with this Declaration.
3. I have read and am familiar with the reference Bioussian glycopeptides penetrate the blood-brain barrier, Tetrahedron: *Asymmetry* 16, (2005), p. 65-75 authored by Richard D. Egelton, Edward J. Bilsky, Gordon Tollin, Muthu Dhanasekaran, John Lowery, Isabel Alves, Peg Davis, Frank Porreca, Henry I. Yamamura, Larisa Yeomans, Charles M. Keyari and Robin Polt (hereinafter referred to as the "Tetrahedron publication"). Isabel Alves and Gordon Tollin did surface plasmon resonance (SPR) measurements, Peg Davis and Frank Porreca did guinea pig ilium (GPI) and mouse *vas deferens* (MVD) measurements, Richard D. Egleton did blood-brain barrier (BBB) penetration measurements, and Henry I. Yamamura (now deceased) did rat brain homogenization and receptor bind studies. Charles M. Keyari, Larisa Yeomans and Dhanasekaran

Muthu were graduate and post-graduate students working under the direction of Robin Polt. John Lowery was a graduate student working under the direction of Edward J. Bilsky. Only Robin Polt and Edward J. Bilsky were inventors, the other persons were performing measurements of a routine nature, and were working at the direction of the inventors.

4. I confirm that I am a co-inventor of the subject matter defined by Claims 38-69 of the '515 application.

5. I confirm that Richard D. Egelton, Gordon Tollin, Muthu Dhanasekaran, John Lowery, Isabel Alves, Peg Davis, Frank Porreca, Henry I. Yamamura, Larisa Yeomans and Charles M. Keyari did not make an inventive contribution to the subject matter defined by Claims 38-69 of the '515 application.

6. Therefore, any subject matter described in the Tetrahedron publication was invented by Robin L. Polt and/or Edward Bilsky.

7. The undersigned petitioner declares further that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this application or any patent issuing thereon.

8. Further deponent saith not.



Robin L. Polt

1 July 2009
Date



Edward Bilsky

6/23/2009
Date